

The Times.

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RICHMOND, VA., THURSDAY MAY 11 1893

PRICE TWO CENTS.

COL HOGE GOES TO AMOY.

GIVE THIS PLACE IN LIEU OF THE HONG KONG CONSULATE.

The Position Pays \$3,500—Important Work Before the Virginia State Democratic Committee.

TIMES BUREAU, RAPLEY BUILDING, WASHINGTON, May 10, 1893.

WASHINGTON, D. C., May 10.—Colonel J. Hampton Rose, of Montgomery county, was today appointed Consul to Amoy, China. This position was tendered him by Mr. Quincy, in lieu of the Hong Kong consulate, for which he was an applicant.

Colonel Hoge held an interview with Capt. Clark Rockwell, whose personal knowledge of this consulship and his description of its advantages, decided him to accept, and his commission was ready for the President late this afternoon.

The position pays \$3,500, and is the one intimated a few days ago in my letter. There is added to this sum a probable amount to \$200 per annum.

The State Democratic committee, which will meet in Richmond at the Exchange Hotel Thursday, May 13th, to select a time and place for the gubernatorial convention, will have other important work before it. A new apportionment will surely be made on a basis of one delegate for every 200 voters, being a reduction of just one half against the last convention, and making this one consist of only about 80 delegates.

An interesting talk took place in the room of Fourth Assistant Postmaster Maxwell this morning, which will result in the removal of some postmasters in several of the other districts than that which one in which removals have been recently made.

A gentleman who was present said that Mr. Maxwell was informed that it was fully agreed by the Virginia Congressmen that general removals would not be voted until after the spring elections, but that owing to some removals in one of the districts, which were being postponed in order to aid the political aspirations of the Congressmen, the balances of the delegation were being put in the unavoidable light of not urging these matters, and so were forced to follow suit.

Mr. Maxwell understood the situation, and a number of removals will follow mostly in fourth-class offices.

Senators Daniel and Hunton walked plainer across the White House lawn this morning and went in to see Mr. Cleveland. They were apparently trotting very stoutly in double harness, but in fact they were after the same office, they were presenting different candidates, though they decided each other a little by each saying a few good words for the other's favorite. The one they sought for Virginia, was that of Director of the Treasury, and the candidates are Mr. Peter J. O'ay, of Lynchburg, for whom Senator Daniel has enlisted, and Colonel J. W. Field of Alexandria, for whom Senator Hunton is at work. Mr. O'ay considers that as he withdrew from the internal revenue collectorship right in favor of Colonel Ham Sheppard, of the Eighth district, that it should be placed to his credit, and any candidate from this district, for safety.

This, of course, Colonel Field does not appreciate to the extent of withdrawing from the assistant treasurer under Mr. Cleveland before, and served with fidelity and credit, and his friends think the promotion a fair and just one. The competitor is a pretty one, and the ball is fairly set rolling, and unless the President decides to work a "harmony" racket and offend neither by giving it to some other State, the result will of necessity be a good office filled by a competent Virginia Democrat.

Senators Daniel and Hunton and Congressman Jones, Tyler, West, Swanson, and Meredith were busy about the departments to-day looking after the various interests of their constituents.

Constituent Marshall is scattering a few seeds ofatorial grandeur, entwined with fragrant flowers of fertile fancy, and bade with tender tears of loyal remembrance upon the graves of the dead soldiers at Staunton, where his colleague, Mr. Tucker, is also spending the day.

Farmers Edmunds and Epes are busy among the newly plowed fields of their districts, engaged in the vain task of demonstrating to their ruling constituents that more than one-tenth of a wonderful soil from the Agricultural Department has been made to come up above the ground, and incidentally to provide against the planting of a watermelon patch where a few rows of cymbplings were designed, or the sowing of a few vines in turnips where a clover-field was contemplated. The pictures on the packages are bright and beautiful, but the average package from the department reads one thing and raises mighty little of anything, but the vote is getting fairly close in these districts, and the congressmen cannot afford to sow discord and let the Farmers' Alliance reap the crop, even in the Agricultural Department soils.

There is a very pretty fight just budding into prominence over the collectorship of the port of Cape Charles. The candidates are Messrs. H. L. Allworth, who is endorsed by Congressman Jones, Abel T. Ashby, Edward W. Nottingham and William B. Wilson. The contest of Mr. Wilson is in many respects unique, and his papers on file in the Treasury Department make very interesting reading. Among his endorsements are the names of Mr. Sevren Eyré, a director of the Baltimore and Ohio railroad, and Mr. E. H. Bacon, of Washington. A letter from Mr. Wilson to Mr. Eyré is also filed, in which he states that he did not vote for the Democratic congressman at the last election, as Mr. Jones was not in accord with the national Democratic platform on the currency question, but that he voted for Mr. Orris Brown, whom he also says was not with the Democrats on either the tariff or the currency. He also intorts a few facts about the Hill projectiles of some of his competitors.

Congressman Jones is deeply interested in the work of securing for Mr. Rufus R. Merchant of Fredericksburg, the position of chief of the inspection division in the Postoffice Department, and called upon Mr. Russell to-day with Senator Daniel on this mission.

There was a little rhyme of excitement here to-day over the postoffice fight at Carthage, N. C., and two attorneys were here in the interests of the candidates. Eight years ago Mrs. Shaw was strongly endorsed by the people of Carthage for the office, but was not selected for the place. Now she is again strongly recommended, and Congressman Gray has endorsed her application. Mr. H. A. Foote, editor of the Carthage blade, was at first a candidate, but afterwards withdrew in favor of Mrs. Shaw. The other candidate is Mr. W. B. Person, and he is represented by Mr. J. C. Black, who arrived here to-day. Mr. Thomas J. Shaw is looking after the interests of Mrs. Shaw.

Mr. F. M. Simmons, of New Bern, N. C., arrived in the city yesterday and was at the White House this morning to see Mr. Cleveland.

Mr. D. S. Cowan, of Brunswick county, N. C., who was formerly a special agent in the Treasury Department, is in the city, and is a candidate for an office.

Mr. Walter Moore, of Franklin county, visited Attorney-General Olney this morning, in company with Representa-

tive Meredith and Hon. John Goode, in the interests of a candidate for a position in that department.

Interest in the order issued by President Cleveland Sunday night, closing thereafter the doors of the White House to office-seekers, is still the topic most talked of in official circles here, and there is even now still stronger talk than there was yesterday or the day before of the propriety of the order, particularly inasmuch as it is a similar order. So far this has not been done, and as a natural consequence the offices of the secretaries were to-day almost as much besieged as had been the President's before he issued his order.

The order of business now is to introduce the candidate to the proper secretary, and then for the senators and congressmen to go to the President and say a good word for him. As might be expected, there was nothing like a crowd at the White House this morning that has hitherto found it so convenient to congregate there, and which so tried the patience of Mr. Cleveland. Sir Julian Knott, of Maryland, who was Second Assistant Postmaster-General under the first Cleveland regime, and ex-Governor Campbell, of Ohio, were about the only ones outside of senators and representatives who got close to the ear of the President to-day.

It is now very generally understood that Mr. Cleveland will call an extra session of Congress early in September to take action in regard to financial and tariff matters. If the two bills be separated, for many of the members of both branches of Congress are firm in the belief that the revision of the tariff will bring about a considerable extent the desired change in the present financial condition.

If this call for the extra session is settled on by the President, then there is every reason to suppose that he will supplement his order of Sunday night with a notice to the effect that during the month of August and in the month of September he will make no appointments, nor listen to the appeals of the members of Congress in favor of the office-seekers. Mr. Cleveland's message to the next Congress will be an important document, and there is no question but that he will devote great thought and care to its composition. He will, however, in this case be rid of the accumulation of business which bothered him so in 1885, as he has closed the doors earlier, and will have more time for routine work, and when Cleveland meets September he will be ready to greet it with a message such as during his first administration was more talked of than discussed in this country and others than any that have ever emanated from the White House. This leaves only about two months and a half more now for the claims of those who want government places of the first water to have their claims presented to the President.

Mr. Choate opened by Mr. Joseph Choate, of New York, for the petitioners, for a writ of habeas corpus for Tong Yee Ting, Wong Quan and Lee Ching, Choate said he believed it was not permissible for the court to seek to impress upon the court the importance and magnitude of the questions involved in the case submitted for its jurisdiction. Nevertheless, he said, he would so far transgress the rule as to state broadly two questions at issue. They were—first, shall \$100,000 of unfounding and helpless residents of this country, under the authority of an act of Congress, without review by its courts, be transported to the seashore and thence deported to a native country, and second, in the case the Emperor of China can be so separated, may he be so separated.

Surgeon Browne was appointed from New Hampshire, and has served over forty years in the Navy, and was retired on account of age.

Commander C. J. Barcley has been ordered to command the training ship Portsmouth, Captain Commander Charles P. Smith, who is ordered to duty as chief of the Hydrographic Office, relieving Lieutenant Richardson Clover, who is detached, granted seven months' leave, and then ordered to hold himself in readiness for sea service.

Lieutenant John B. Blish has been detached from duty in the office of Naval Intendance and ordered as assistant to the Inspector of the Thirteenth Light-House district.

Lieutenant T. G. C. Salter has been detached from the Chicago and ordered to the Naval Hospital in New York.

Lieutenant Commander William C. Gibson and Lieutenant Horace W. Harrison have been ordered to examination for promotion.

Mr. Choate prefaced his argument with a statement of facts in the three cases which he said differed widely in being initiated at various stages of the operation of the law. It appeared from this that Lee Joe's case presented, in addition to the questions involved in the others, the constitutionality of the provision of the exclusion act, requiring the Chinese to present white witnesses in support of their right to receive a certificate.

Some of Mr. Choate's points were that the court cannot impinge on Congress by the sixth section of the act to banish the Chinese laborers from the soil of the United States, or at the lapse of one year from its passage, are unconstitutional as "Chinese laborers entitled to remain in the United States," unless expressly required to do so because such an enactment would be a gross violation of treaty rights, and because there is no power in Congress to expel friendly alien residents except as a punishment for crime.

That the third article of the Constitution is clearly violated in three respects by the sixth section of the act—the first, in that it attempts to vest executive power in "United States judge," whereas judicial power is to be vested only in the courts of the United States; second, so far as it confers judicial power it attempts to confer it upon an individual judge of no particular court, and not in any court, and also, a collector, an executive officer; and third, because the third article provides that the judicial power shall extend only to "cases" and what is to be brought by the act before a United States judge is not a "case."

The sixth section of the act under discussion is, in effect, a bill of attainder, and is unconstitutional as a violation of subdivision 3, section 9, article 1, of the Constitution. And finally, that the power sometimes called a police regulation, does not reside in Congress.

Erastus D. Fenner, of Louisiana, special examiner of drugs, medicines and chemicals in the district of New Orleans, has been appointed a special land inspector to succeed Caleb F. Davis, resigned.

Frank H. Jones, of Illinois, First Assistant Postmaster-General.

Stephen P. Condon, of Tennessee, marshal for the United States for the Eastern district of Tennessee.

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Frank H. Jones, of Illinois.

Frank H. Jones, of Springfield, Ill., who was to-day appointed First Assistant Postmaster-General, vice H. Clay Evans, resigned, is a native of Springfield, and is thirty-nine years of age. He was graduated from Yale in the class of '73, and has since taken up the study of law. Since his admission to the bar he has been engaged in the active practice of his profession. He was elected to the last Illinois General Assembly from the Springfield district, and was a prominent member of the "Noble '90" who for a number of weeks maintained an unbroken front in their successful fight for the election of General John M. Palmer to the United States Senate. Mr. Jones is the president of the League of Democratic Clubs of Illinois, and was a delegate to the last Democratic National Convention.

The third article of the act under discussion is, in effect, a bill of attainder, and is unconstitutional as a violation of subdivision 3, section 9, article 1, of the Constitution. And finally, that the power sometimes called a police regulation, does not reside in Congress.

Charles H. Aldrich, Solicitor-General, argued for the constitutionality of the Geary law, concluding his argument with this part:

"Assume the maxim that the safety of the people is the supreme law, then the police power in its relations to every subject of danger must, under our system, rest either in the States or the United States or the people. If it is assumed that Chinese alien labor is a public danger threatening the safety of the people, then the power to cope with it rests somewhere. If not in the United States, then it is in the States or the people. If the latter, it seems to me that the Chinese residents in this country have need to resort to the old prayer that they may be rescued from their friends or counsels, for if the power can induce the people that the power does not belong to the Federal Government, but yet rests in the people of the several States, no person who has witnessed the evils of Chinese immigration and competition with our laborers can doubt that the people of our States afflicted there will promptly rid themselves of the baneful presence by appropriate legislation to that end. The last state of the Chinese in the country would then be worse than the first for, though the Chinese are now under congressional control only to prevent the propagation of frauds upon the Government through the incoming of other Chinese laborers claiming to be entitled to admission because of former residence, any action by the people of the States most directly affected would probably be drastic in its check, with the purpose, not of protecting the Government and duly accredited Chinese, but of expelling entirely from their domains an obnoxious race."

Mr. J. Hubley Ashton, of Washington, concluded the argument. Traversing somewhat different ground from that covered by his associate, Mr. Ashton argued that the question presented to the court concerned the fundamental principles of American constitutional law, the right to freedom, property and the pursuit of happiness of thousands of persons living and laboring long and peaceably under the protection of the Constitution and laws of this land, as well as the friendly international relations between the United States and China, and the welfare of American citizens and Chinese interests in that great empire.

Throughout the progress of the argument the court and spectators alike gave marked attention. Mr. Choate, in the course of his remarks, referred to the assertion in the printed argument of the Chinese that the Chinese were not subjects of the Chinese government, but of the Emperor of China.

Mr. A. B. Gulson, of Richmond, made formal application at the Department of Justice to-day for the position of assistant district attorney for the Eastern district of Virginia.

Virginia post offices have been granted as follows: James Collins, of Oak Park, for a device for raising and lowering buggies; Marcus M. Hill, of Luray, for a device for expelling entirely from their domains an obnoxious race."

From North Carolina the only application filed in the Treasury to-day was that of J. M. Weatherly, of Liberty, for chief of division.

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